

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Darren S. Simmons,)	Civil Action No. 8:11-cv-175-RMG
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Nurse Shelly Stokes, et. al.,)	
)	
Defendants.)	
)	
)	

Plaintiff brought this action pursuant to 42 U.S.C. § 1983. As a result, this matter was referred to a Magistrate Judge for pre-trial proceedings. The Magistrate Judge has made a report and recommendation that the named Defendant “Health Care Providers” be summarily dismissed from Plaintiff’s Amended Complaint without issuance of process. The Plaintiff has filed objections. After a *de novo* review, this Court adopts the recommendation of the Magistrate Judge.

Analysis

The magistrate judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate with instructions.” *Id.* In the absence of specific objections to the Report and

Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983).

Plaintiff has provided information that the vague reference to "Health Care Providers" is in fact a reference to Amy Smith who is a named party to the suit. Therefore, "Health Care Providers" should be removed from the action.

Conclusion

Based on the above, Defendant "Health Care Providers" is dismissed from this action without issuance of process and should be removed from the docket.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'RM Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Court Judge

April 25, 2011
Charleston, South Carolina